

Testimony of Suzanne D. Case, Executive Director
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Field Hearing on National Parks in Hawai'i
Subcommittee on Criminal Justice, Drug Policy, and Human Resources
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INTRODUCTION

Congressman Souder, thank you for hosting this hearing and for the opportunity to testify on important issues facing Hawaii's precious national parks. My name is Suzanne Case, and I am the Executive Director for The Nature Conservancy of Hawai'i.

The mission of The Nature Conservancy is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. With the support of approximately 1 million members, The Nature Conservancy has protected more than 120 million acres around the world.

The Hawai'i Chapter of the Conservancy manages a network of 12 preserves encompassing about 32,000 acres across the main Hawaiian Islands. In addition to our core field work on our own preserves, we work with public and private colleagues throughout the state to organize and operate partnership entities that help protect and manage the islands' globally unique, but extremely fragile natural resources. The National Park Service in Hawai'i plays a leadership role in these public-private collaborations through their participation in the watershed partnerships and invasive species committees that seek to protect resources both inside and outside park boundaries.

INVASIVE SPECIES

Background

In 1967, well before we had a staffed program here, the Conservancy's first project in Hawai'i was the acquisition and donation of Kipahulu valley to Haleakala National Park. Kipahulu remains one of the most pristine native forest areas in Hawai'i, but the discovery a few years ago of a single *Miconia calvescens* plant in this remote valley is a wake up call to the vulnerability of the park to this habitat altering super weed.

Last year, with the leadership of the entire Hawai'i Congressional delegation, the Conservancy acquired and transferred the 115,000-acre Kahuku Ranch to Hawai'i Volcanoes National Park. Sought after for more than two decades and ultimately ranked as the Park Service's top land acquisition priority, the Kahuku addition expanded the Park by one-half and is the largest single conservation land acquisition in the history of the State. While the Kahuku parcel boasts globally significant natural, geological and cultural resources, the Park Service is undertaking a major effort to control previously introduced game animals that otherwise will cause serious harm to those very resources the Park is working to protect.

Our experience as a conservation land manager over the last quarter century demonstrates that the single greatest threat to the survival of Hawaii's natural environment is the damage done by non-native, invasive species. Virtually all of our field work and that of our conservation partners like the National Park Service in Hawai'i is directed to preventing, detecting, controlling, or otherwise addressing the

threat of invasive species, both plants and animals, that alter and ultimately devastate the islands' natural environment.

For example, the National Park Service has been a leader in protecting globally significant resources from non-native feral animals, including pigs, goats and sheep. The Conservancy has been proud to be a partner of the Park Service in several key projects in Hawai'i and California's Channels Island National Park. In fact, many of the techniques that are considered standard conservation and invasive species management practices throughout Hawai'i today were originally developed by Park Service personnel.

As you know, the threat of invasive species is not just an environmental problem. We are finding strong allies across a wide variety of sectors including the visitor industry, health care, agriculture, and real estate as we all try to figure out how to deal with pests ranging from alien algae that blanket coral reefs, mosquito borne diseases, fire ants and stinging caterpillars, forest-choking weeds, ear-splitting coqui frogs, and costly crop diseases.

We have been working hard over many years to physically control invasive species once they have arrived and become established. However, it is only in the last 10 years that we have undertaken an organized effort in Hawai'i to affect public policy with respect to invasive species. Our work at the county, state and federal levels includes efforts to enhance recognition of the ecological, economic, health, and lifestyle threats from invasive species, to secure more funding to address these threats, and to support improved government policy in this area.

Rapid Response and Control

Measures pending in Congress can improve policy and assist the Park Service and states in addressing some of the most pressing invasive species issues.

The Natural Resource Protection Cooperative Agreement Act (S. 1288) will help with a very practical problem that has challenged the National Park Service. This legislation addresses the fact that no authority now exists to allow a park to expend resources or enter into partnerships to control imminent invasive species threats outside park boundaries. The provisions of S. 1288 would simply and effectively resolve this problem, as well as provide additional authority for the Park Service to enter into collaborative relationships that will benefit park resources. The Administration has supported this legislation. It is a practical application of the principles underlying the President's Executive Order on Cooperative Conservation. This legislation will directly assist Haleakala National Park as it works with its partners in the Maui Invasive Species Committee and the East Maui Watershed Partnership to keep *Miconia* from invading the park.

The Park Service has the expertise to provide significant national leadership in this area. For example, using the teams that fight wildfires as a model, the National Park Service established Exotic Plant Management Teams (EPMT) across the country to serve as a highly-trained, mobile strike force that now protects hundreds of National Parks from the threat of invasive plants. A Pacific Islands EPMT is devoted to proactively managing aggressive weeds in all the national parks in Hawai'i, protecting rare native communities from invasion.

In addition, the Public Land Protection and Conservation Act (S. 1541) creates an excellent framework for Interior Department grants to assist states with assessment and rapid response to invasive species threats, and to foster partnerships to control pests on and adjacent to Interior and Forest Service lands. This bill would provide an important additional source of revenue to leverage existing state and local

funding for invasive species, including funding for rapid response programs to eradicate incipient invasions before they become widely established.

Prevention and Quarantine

We can and will spend vast amounts of time and money battling pests that become established in Hawai'i and elsewhere in the United States. However, the most effective, especially cost effective, way to deal with invasive species is to prevent their introduction in the first place.

The Conservancy supports the National Aquatic Invasive Species Act (NAISA) (H.R. 1591/1592 and S. 770), which is a comprehensive legislative approach to the threat of aquatic invasive species. Provisions for the pre-screening of intentional introductions and the establishment of an early warning system, coupled with rapid response capability, are important new authorities that would protect all of our nation's aquatic resources, whether in the Great Lakes, trout streams, bayous, or coral reefs. The need for NAISA is demonstrated by existing invasions of national parks like the New Zealand mud snail, which was accidentally introduced into Yellowstone National Park by recreational fishermen. This tiny snail is now alarmingly abundant and could prove to have major effects on some of the most pristine streams in the country. Likewise, the hitchhiking zebra mussel has spread to Wisconsin and is now smothering rare and endangered native mussels in the NPS-administered St. Croix National Scenic Riverway.

Another major threat to the resources of many National Parks is the existing and potential effects of introduced forest insects and diseases. The most noticeable missing tree in the Appalachians is the American chestnut, which was virtually eradicated during the early 1900s by the introduced chestnut blight. The hemlock woolly adelgid pest is killing the towering hemlocks that form unique and important ecosystems in the Great Smoky Mountains and Shenandoah National Parks, the Blue Ridge Parkway, and several smaller national historic parks. Sudden oak death is killing oaks and infesting other trees in Redwoods National Park and Point Reyes National Seashore and can easily be spread by the movement of nursery stock. If the USDA's Animal and Plant Health Protection Service (APHIS) does not prevent such transmission, sudden oak death could infect oak trees in the Great Smoky Mountains and other locations, as well as the rhododendron shrubs that contribute so much to spring floral displays. White pine blister rust is killing nearly all of the high-elevation five-needle pines in Glacier, Yellowstone, and Crater Lake National Parks. This disease was recently found in the mountains above Great Sand Dunes National Park and will continue to threaten pines as it spreads through the Rocky Mountains.

Much of the National Park Service' current effort to combat introduced forest insects and pathogens is funded through the USDA Forest Service Forest Health Management Program. Chairman Charles Taylor of the House Interior Appropriations Subcommittee has provided key Congressional leadership to increase funding for this program. However, the agency responsible for preventing introductions of forest pests and eradicating those that evade border controls is USDA APHIS. Unfortunately, APHIS has not received adequate funding to carry out effective eradication programs targeting even the pests which pose the greatest risk and whose populations are still small enough to be eradicated successfully, such as the emerald ash borer and Asian longhorned beetle. Congress and the governors of affected states have urged the Administration to provide emergency funds from the Commodity Credit Corporation, but the Administration has not yet met the level of funding needed to address these threats.

Turning more directly to the issue of prevention and the threat of new pest introductions in Hawai'i, I would like to offer some specific comments on inspection and quarantine activities at ports of entry. As a direct result of National Park Service leadership, a model for prevention is being realized on the island

of Maui where we are all benefiting from improved understanding of pest risks and enhanced quarantine and inspection capacity at Kahului Airport. These enhancements will include additional inspectors and a modern and secure inspection facility that will soon be constructed at the airport.

This process, which began with a proposed runway extension, was not easy for anyone involved, particularly on an island that relies heavily on visitor and cargo arrivals to support its economy. However, the model now being established at Kahului airport is the product of hard work and understanding by a number of individuals and agencies like the National Park Service, the Federal Aviation Administration, the U.S. Fish & Wildlife Service, the Hawai‘i Department of Transportation Airports Division, the Hawai‘i Department of Agriculture, and others.

The important progress at Kahului airport traces back to Haleakala National Park leadership, particularly recently-retired Superintendent Don Reeser, who insisted on the importance of protecting against new pest introductions. The Park Service’s position was primarily for the protection of Haleakala National Park’s globally unique resources, but it also was based in the much broader appreciation of the role of natural landscapes on Maui and across the island chain. After all, Hawaii’s natural environment is what drives our visitor economy, provides the year-round climate for our diversified agriculture industry, delivers the most basic necessities like clean fresh water from healthy forested watersheds, and allows us the lifestyle that all residents and visitors enjoy.

Federal Preemption

Even with this spirit of collaboration and example of success at Kahului Airport, there are formidable challenges to developing a truly effective prevention system—right up to and including the United States Constitution and the free market principles this nation is founded upon. For centuries this country has promoted the important notions of free trade and open borders to commerce.

The Constitution’s Commerce Clause (Art I., Sec. 8, Clause 3) and Supremacy Clause (Art VI, Clause 2) set that stage by giving Congress the authority to regulate commerce with other nations and between the states, and confirming that federal law is the supreme law of the land. In the area of pest prevention, the federal Plant Protection Act takes it a step further by specifically preempting states from being more restrictive than the federal government in regulating the movement of plants and plant products. (7 USC § 7756) The federal government is not so preemptive with respect to regulating the movement of animals, both terrestrial and aquatic.

The differences in Hawai‘i state law regarding the introduction of plants and non-domestic animals (Hawai‘i Revised Statutes §§ 150A-6.1 and -6.2) directly reflect the preference for movement of plants through federal preemption of state regulatory regimes. Basically, Hawaii uses a black list (noxious weed list) approach to plants, and a white list approach to animals. What this means is that virtually all plants are allowed to be introduced to Hawai‘i unless on a very short noxious weed list (~80 identified plants). Conversely, no non-domestic animals are allowed entry into the state unless on one of two short approved lists.

The State of Hawai‘i runs directly into federal preemption if it wishes to strengthen its statutes regarding plants or implement stricter state quarantine regulations. The only available choice is a long and laborious process of securing approval for heightened restrictions on a species-by-species basis from the Secretary of Agriculture. (7 USC § 7756(b)(2)(B))

With this problem in mind and recognizing Hawaii’s unique risk from invasive species, a bill has been introduced in the House of Representatives that would provide Hawai‘i with additional federal support

on incoming quarantine inspections and establish an expedited process for the State to implement regulations to protect itself from pest threats. In particular, the Hawaii Invasive Species Prevention Act (H.R. 3468) would:

- Mandate federal quarantine protection for the State of Hawai‘i to prevent the introduction of invasive species, including a system of post-arrival protocols for all passengers and cargo;
- Allow for federal enforcement of State quarantine laws;
- Establish an expedited review process for the State of Hawai‘i to impose restrictions on the movement of invasive species or diseases that are in addition to federal restrictions; and
- Allow the State of Hawai‘i to impose limited emergency restrictions upon the introduction or movement of a pest or disease.

PARK SERVICE FUNDING

The Conservancy would like to express our appreciation, Congressman Souder, for your work to bring attention to short falls in Park Service funding and to resolve this situation by the 2016 National Park Service Centennial.

As you know, Americans want to fund conservation. In 2005, a total of 136 state and local conservation spending measures were on the ballots in 17 states. Of these, 79% passed, creating \$1.7 billion in new funding for land conservation. Previous years have had similar results. In 2004, for example, state and local voters approved 75% of the 217 conservation measures on ballots nationwide, generating \$4 billion in new conservation funding. This rate of success has been consistent all across the country for the past ten years.

In addition to funding shortfalls affecting National Parks, other federal land management agencies are also challenged to robustly confront threats from invasives and other management threats. The Administration and the Congress, collectively, need to provide the resources necessary to effectively manage our federally protected conservation areas and also provide support to private land owners seeking to manage their own lands for conservation purposes.

CONCLUSION

Thank you again for this opportunity to offer The Nature Conservancy’s comments on Hawaii’s national parks and the critical issues related to invasive species policy. The global economy and our ability to quickly and efficiently move people and goods around the world benefit all of us. However, these same modern advancements are exponentially elevating the potentially catastrophic threats of invasive pests and diseases. The natural and historic treasures that are contained within our national parks are under enormous threat from introduced pests.

Perhaps an important goal to add to the 2016 National Park Service Centennial is to prevent all new harmful invasive species introductions to our parks, and work to eradicate or implement significant control measures for all invasive species currently threatening national park resources.

Congressman Souder, we appreciate your work on this issue and your willingness to take a leadership role in enhancing federal policies and resources to address this problem.